

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION

LOS ANGELES COUNTY MUNICIPAL STORM WATER DISCHARGE PERMIT

Summary of Comments and Regional Board Staff Response Tentative Draft [October 11, 2001]

The Response here supplements the ‘*Summary of Comments and Regional Board Staff Response, Second Draft (June 29, 2001)*’ (October 2001). In general comments responded to in that document are not revisited here. Legal matters are addressed in Regional Counsel’s legal brief, ‘*Legal Issues Concerning Renewal of Order No. 96-054 as Reflected in Tentative Waste Discharge Requirements Dated October 11, 2001*’ (Nov. 9, 2001)

Commentors	Comment	Staff Response
Santa Monica Bay Keeper (SMBK)	<u>1. Completeness of Permit Application</u> Permittees have not complied with storm water permit application requirements at 40 CFR 122.26(d).	The Regional Board issued the first municipal storm water permit consistent with NPDES application requirements in effect in 1990, and processed the reapplications consistent with U.S. EPA policies. Please see also p. 1 in ‘Summary of Comments and Regional Board Staff Response’ (October 11, 2001), and p. 20 Regional Counsel’s legal brief (November 9, 2001)
CAA, CICWQ, LAEDC, BWS, ALH, CAM, COM, ELS, GAR, IND, LAW, LOM, LYN, MOO, SCL, SFS, SIH, SMA, TOR	<u>2. Economic Consideration</u> Give further consideration to economic cost of implementation. Compliance costs will be substantial and projected to exceed \$50 billion.	The iterative process to meet receiving water limits explicitly takes into account the economics of compliance. Permittees self-reported budget for implementation of the permit requirements for 2001-2002 is about \$145 million, a fraction of the projected cost claimed in the \$50 billion. More than likely, Permittees current budget overstates costs because it includes activities being conducted for other than storm water purposes (such as street sweeping and corporation yards maintenance). The Regional Board staff has significantly reduced the scope of the industrial/commercial inspection program after facilitation by the U.S. EPA mediator.

Commentors	Comment	Staff Response
CAR, CAA, EAC, CPR, RT, BWP, BCSMW, CUD, CUL, BEH, BEF, BEG, HAW, HHH, LAK, LCF, LMI, PAR, ROS, RWG, SCL, SFE, SGA, SOG, VRN, WEH, WEV	<u>3. Executive Advisory Committee</u> Reinsert into the permit the EAC, which is a representative and coordinating body for Permittees. How will they now coordinate?	The Regional Board cannot create the EAC under any authority. The EAC is the Permittees prerogative to organize. The EAC can continue to perform its role for Permittees and interact with the Regional Board irrespective of whether or not it is recognized in the permit. The Regional Board encourages Permittees to better use the Watershed Management Committees (WMCs) for permit coordination and implementation because the WMC is a functional unit based on common water quality protection interests.
MWD, [City of Los Angeles Department of Water and Power, California Water Service Company, Southern California Water Company,	<u>4. Non-Storm Water Discharges</u> Authorize releases of potable water discharges that are in accordance with an equivalent document to Industry-wide practice guidelines developed by the American Water Works Association (AWWA)	For purposes of standardization, the AWWA whose membership, includes the commentors, should develop guidance (technical bulletins) for potable water discharge releases, if they have not already done so.
BRB, DB, AR, RT, R&T, RWG, BWS, LAC, LA, CPR, EAC	<u>5. Industrial/ Commercial/ Construction Inspections</u> The State should not transfer its responsibility to inspect facilities and construction sites covered under statewide general permits.	The MS4 Permittee has a responsibility to make sure that industrial sites (including construction) comply with local government storm water and urban runoff ordinances. The USEPA clearly contemplates a dual and a cooperative oversight of facilities 'discharging storm water associated with industrial activity', between the permitting authority and the MS4 permittee (55 <i>Fed. Reg.</i> 222, 48000; and Storm Water Phase II Compliance Assistance Guide (USEPA 2000), p 4-32 and 5-11). See also, Radulescu (2001), <i>A Case for Inspection</i> , and Regional Board Counsel's brief at p. 2. Regional Board staff have considerably reduced the scope of the industrial/ commercial inspection program through the efforts of a U.S. EPA mediator.
CLA DHS	<u>6. Restaurant Inspections</u> Since restaurant inspections will involve health inspectors, reference requirements from the California Uniform Food Facilities Law	The Regional Board is the permitting authority for the CWA and Cal. Water Code. The County of Los Angeles (including the Departments of Public Health and Health Services) are best positioned in deciding on the appropriate changes to the County Code to enforce compliance by restaurants with the Cal. Uniform Food Facilities Law and the Cal. Water Code.

Commentors	Comment	Staff Response
WSPA, RT	<p><u>7. RGOs</u> RGOs should be exempted from new development requirements because the Regional Board has provided no proper justification.</p>	<p>Proper justification for inclusion of RGOs has been developed and the basis has been specified in the permit.</p> <p>Please see p. 8 in Summary of Comments and Regional Board Staff Response (October 11, 2001), p. 7 in Regional Counsel's legal brief (November 9, 2001), Technical Report - <i>Retail Gasoline Outlets: New Development Design Standards for Mitigation of Storm Water Impacts</i> (Radulescu et al., 2001), <i>Storm Water Quality Task Force BMP Guide for Retail Gasoline Outlets: Review and Comment</i> (Radulescu, 2001), and <i>Retail Gasoline Outlets: New Development Design Standards for Mitigation of Storm Water Impacts: Supplement</i> (Radulescu and Swamikannu, 2001)</p>
BCSMW , PAS, RPV, BUR, DB, AR, RT, R&T, RWG, BWS, CPR, EAC, BCSMW, BIA, SEM, SOG, WEH,	<p><u>8. ESAs</u> Allow cities to submit designations for ESAs in addition to the other listed agencies.</p> <p>Reasonableness depends on what is approved by the Regional Board as constituting ESAs.</p>	<p>Regional Board staff has proposed thresholds for ESAs to be responsive to the State Board decision in Order No. WQ 2000-11. In that decision, the State Board set forth types of evidence and criteria necessary for inclusion of ESAs in subsequent permits, including thresholds (See memorandum from Office of Chief Counsel to Regional Board Executive Officers dated December 26, 2000). For a complete discussion of the ESA matter see, Fact Sheet/ Staff Report – Attachment, Technical Report: 'Mitigation of Storm Water Impacts from New Development in Environmentally Sensitive Areas'.</p>
ULARAW	<p><u>9. Infiltration Concern</u> Infiltration practices can inadvertently contaminate ground water basins.</p>	<p>Permittees may impose restrictions where there is a threat of ground water contamination. Storm water mitigation for new development includes the option to treat, filter, or infiltrate (not just infiltration). Infiltration studies conducted by the USGS and university researchers demonstrate that where conditions for infiltration are favorable, infiltration is effective in removing common pollutants of concern in storm water, and the risk of ground water contamination is minimal. For a discussion, see U.S. EPA Report No./600/R-94/051 (1994); Pitt et al. (1996) <i>Groundwater Contamination from Storm Water Infiltration</i>, Ann Arbor Press, 218 pp.; USGS Water Resources Investigation Report No. 93-4140 (1995)</p>
CAA, CLA, LACo	<p><u>10. Definition of MEP</u> Retain the MEP definition in the current permit instead of the revised definition. MEP definition is contrary to the CWA. It does not require the balancing of other factors.</p>	<p>The definition of MEP references its expression in the CWA, and its interpretation by State Board Senior Staff Counsel in a legal memorandum (Feb. 11, 1993). So long as the memorandum states that multiple interests have to be balanced, the need to make such analyses is incorporated by reference.</p>

Commentors	Comment	Staff Response
BWS, CPR, LAK, POM, RT, SGA, VRN,	<u>11. Definition of Redevelopment</u> The definition of “redevelopment” is overly broad and should be limited to addition or creation of 5,000 square feet or more of surface area (exclude replacement). U.S. EPA defines the threshold for redevelopment as one acre or more which should be criterion instead of 5,000 sq. ft. Requirement may discourage property improvement.	<p>The definition has been revised to exclude exterior remodeling and replacement of roofs. It is inclusive of the replacement of building footprint.</p> <p>U.S. EPA Phase II guidance do recommend a threshold of 1 acre to trigger requirements for Phase II MS4s. However the Regional Board adopted the 5,000 sq. ft. threshold for redevelopment in the LA SUSMP, an action which was upheld by the State Board (Board Order No. WQ 2000-11). The 5,000 sq. ft. threshold is consistent with thresholds established for redevelopment triggers by other States (such as Washington, Maryland, Virginia, and Florida) for U.S. EPA Phase I MS4 Permittees. Please see also p. 9 in Summary of Comments and Regional Board Staff Response (October 11, 2001), and p. 5 Regional Counsel’s legal brief (November 9, 2001).</p>
BCSMW , CUD, CUL, HAG, PAR, PAS, ROS, SOG,	<u>12. Public Agency Activities: Fire Truck Washing</u> Fleet vehicles deserve the same exemption as fire-fighting vehicles for wash-down to the MS4. Why is this wash-down exempt from discharge prohibitions?	<p>The allowance for wash-down of fire trucks at existing fire stations was made because a prohibition would involve taking the trucks off service. The trucks would have had to be sent to a dedicated washing facility, thus compromising their availability to respond to situations of public health and safety.</p>
BCSMW, DIA, CLA, PAS, RPV, SOG, WEH, LACo,	<u>13. Public Agency Activities: Trash Receptacles at Transit Stops</u> Requirement to place trash receptacles at all transit stops is unreasonable and premature	<p>More time has been provided. The provision has been revised to require receptacles at transit stops with rain shelters within 6 months and all other transit stops within a year from permit effective date.</p>
LACo	<u>14. Monitoring: Trash</u> Requirements to monitor trash in watersheds not listed as impaired for trash will cost as much as \$5 million.	<p>This monitoring requirement for unimpaired watersheds has been changed to eliminate trash sampling. It now requires photographic documentation after qualifying storm events.</p>
BCSMW, BUR, SEM, SOG, WEH,	<u>15. Reporting</u> Provide Permittees with 180 days to propose an alternative reporting format from the one in the permit.	<p>The purpose in providing a sample reporting form is to assist permittees in collecting information to document compliance with the permit requirements. The reporting format under the existing permit appears deficient because permittees report in multiple ways. Permittees can always develop an equivalent reporting form so long as it provides the same information as that which is requested by the Regional Board in the sample reporting form.</p>

List of Commentors on Draft Permits.

City of Arcadia (ARC)	City of Alhambra (ALH)	City of Baldwin Park (BWP)	City of Bell (BEL)
City of Burbank (BUR)	City of Bellflower (BEF)	City of Bell Gardens (BEG)	City of Beverly Hills (BEH)
City of Calabasas (CAL)	City of Camarillo (CAM)	City of Carson (CAR)	City of Cerritos (CER)
City of Claremont (CLA)	City of Compton (COP)	City of Covina (COV)	City of Culver City (CUV)
City of Diamond Bar (DIB)	City of Duarte (DUA)	City of El Segundo (ELS)	City of Hawthorne (HAW)
City of Hawaiian Gardens (HAG)	City of Hidden Hills (HIH)	City of Industry (IND)	City of Irwindale (IRW)
City of La Canada Flintridge (LCF)	City of La Mirada (LMI)	City of Lawndale (LAW)	City of Lomita (LOM)
City of Lakewood (LAK)	City of Los Angeles (LAC)	County of Los Angeles (LACO)	City of Lynwood (LYN)
City of Monrovia (MON)	City of Montebello (MOL)	City of Moorpark (MOR)	City of Norwalk (NOR)
City of Paramount (PAR)	City of Pico Rivera (PIR)	City of Rancho Palos Verdes (RPV)	
City of Redondo Beach (REB)	City of Rosemead (ROS)	City of San Gabriel (SGA)	City of San Fernando (SFE)
City of San Marino (SNM)	City of Santa Clarita (SCL)	City of South Gate (SOG)	City of Santa Fe Springs (SFS)
City of Sierra Madre (SMA)	City of Signal Hill (SIH)	City of South El Monte (SEM)	City of South Pasadena (SPA)
City of Temple City (TPL)	City of Torrance (TOR)	City of Vernon (VRN)	City of West Hollywood (WEH)
City of Westlake Village (WEV)	City of Whittier (WHT)		
Ballona Creek/ Santa Monica Watershed (BCSMW)	Coalition for Practical Regulation (CPR)	Rutan and Tucker (RT)	
Richards Watson and Gershon (RWG)	Charles Abbott and Assoc. (CAA)	Executive Advisory Committee (EAC)	
Burke, Williams & Sorensen, LLP (BWS)	California Coastal Commission (CCC)	State of California Department of Health Services	
County Sanitation Districts of Los Angeles County (CDSLAC)	County of LA Department of Health Services (CLADHS)		
Upper Los Angeles River Area Watermaster (ULARAW)	Water Replenishment District (WRD)		
City of Los Angeles Department of Water and Power (DWP)			
California Water Service Company	Central Basin Water Association	Southern California Water Company	
South Montebello Irrigation District	Building Industry Association (BIA)	Western States Petroleum Association (WSPA)	
So. Ca. Building Industry Assoc. (BIA)	Construction Industry Coalition on Water Quality (CICWQ)		
Bull Shot System, Inc. (BULSYS)	National Association of Industrial and Office Properties (NAIOP)	Heal the Bay (HTB)	
Natural Resources Defense Council (NRDC)		Santa Monica Baykeeper (SMBK)	